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UNCLAS SECTION 01 OF 08 BRIDGETOWN 000119

SENSITIVE
SIPDIS

STATE FOR G/TIP, G, INL, DRL, PRM, AND WHA/CAR
STATE PASS TO USAID/LAC/CAR-RILEY

TAGS: KCRM ELAB KFRD ASEC KWMN PHUM PREF SMIG BB
SUBJECT: TIP SUBMISSION - ANTIGUA AND BARBUDA

REF: 08 SECSTATE 132759

11. (U) Below are Post's responses to questions regarding Antigua and Barbuda for the annual Trafficking in Persons Report.

Para 23 - THE COUNTRY'S TIP SITUATION

2 (SBU)

1A. What is (are) the source(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

There are few sources of information available on trafficking. The Gender Affairs Directorate is the focal point for much of the information on trafficking, documenting cases as they become known. The Gender Affairs Directorate is understaffed and has no full-time employees focused solely on trafficking issues; however, the Directorate is a reliable source of available information.

1B. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

Antigua and Barbuda is a destination point for victims of Trafficking in Persons (TIP) from the Dominican Republic, Guyana, and Jamaica. There have not been any changes in the TIP situation since the last report.

-- C. What kind of conditions are the victims trafficked into?

According to the Director of Gender Affairs and other sources, there are four main brothels that operate in Antigua, where women from the Dominican Republic are prostituted. In addition, there are private residences that operate as brothels. Increasingly, however, English-speaking women from Guyana and Jamaica are being recruited. According to a UNHCR source, women are also recruited in the Dominican Republic to work as maids in Antigua. The conditions, according to sources, vary, but in most cases the women's travel documents are confiscated and they are threatened with deportation.

-- D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

There are no reports of Antiguans being trafficked. Legal and

illegal immigrants from Haiti, Jamaica, the Dominican Republic and Guyana are reported to be the most vulnerable to trafficking.

-- E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends? What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

According to Gender Affairs, the traffickers are a mix of well financed businessmen from the Dominican Republic and Antiguan citizens acting as pimps and brothel owners.

Para 24 - SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS

¶3. (SBU)

¶A. Does the government acknowledge that trafficking is a problem in the country?

Yes, with the exception of some members of immigration and law enforcement, almost all of the GOAB's government institutions are

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aware of the trafficking problem.

-- B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The GOAB Anti-TIP Working Group monitors its anti-trafficking efforts on a monthly basis, sharing information on suspected trafficking cases and formulating strategies to address the problem.

-- C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

There is clear recognition and strong will from the Directorate of Gender Affairs and other GOAB agencies that form the GOAB Anti-TIP Working Group. However, law enforcement and immigration do not yet have the appropriate training, funding, and other necessary mechanisms to follow up on the Working Group's requests to investigate suspected cases of sexual and domestic servitude. In most cases, women without documentation are deported for immigration violations before they can have access to services or assist with the prosecution of a trafficking case.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The GOAB formed the National Coalition Against Trafficking in Persons, which is made up of the Ministries of Social Welfare, Social Transformation, Health, Labor and Gender Affairs, Immigration, and the Royal Antigua and Barbuda Police Force as well as various civil society groups, NGOs, and community activists and advocates. Each agency is represented by a TIP focal person on a monthly basis to share information and formulate cooperative efforts

to address the problem.

Para 25 - Investigations and Prosecutions of Traffickers

¶4. (SBU)

-- A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language [actual copies preferable] of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

There are no laws against trafficking in persons. Violators could be prosecuted under immigration, prostitution, or labor laws. Under the Immigration and Passport Act, if an immigration officer suspects that a person is coming into the country to behave in the manner of a prostitute the officer has the authority to refuse entry. Normally, undocumented foreigners are deported immediately.

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?

There are no specific laws against trafficking people for sexual exploitation.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment --

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i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country? If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?

There are no specific penalties for traffickers of people for labor exploitation. They could, however, face penalties for immigration and labor violations. Immigration violations could lead to deportation of both victim and trafficker.

The constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education Act. In addition persons under 18 years of age must have a medical clearance to work and may not work later than 10 p.m. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforced this law. The labor commissioner's office also had an inspectorate that investigated exploitative child labor matters.

The Labor Code provides that the minister of labor may issue orders,

which have the force of law, to establish a minimum wage. The minimum wage was \$2.26 (EC\$6.00) an hour for all categories of labor, which provided a barely adequate standard of living for a worker and family. In practice the great majority of workers earned substantially more than the minimum wage.

-- D. What are the prescribed penalties for rape or forcible sexual assault?

The penalty for rape ranges from 10 years to life imprisonment.

-- E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker to debt bondage? Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? What were the actual punishments imposed on persons convicted of these offenses? Are the traffickers serving the time sentenced? If not, why not?

There were no cases brought against traffickers during the reporting period. Nor have there been any cases brought against employers for confiscating passports or travel documents.

-- F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

In June 2008, Gender Affairs, Immigration and Royal Antigua and Barbuda Police Force official attended a USG sponsored anti-trafficking capacity building workshop. In February 2008, officials from the Royal Antigua and Barbuda Police Force took part

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in an OAS-sponsored seminar and workshop. In February 2007, the MFA and Immigration Department took part in International Organization for Migration (IOM) and UN-sponsored training. None of these training programs were funded by the GOAB.

--G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

The GOAB cooperates with other Caribbean countries via the Gender Affairs Unit at the CARICOM Secretariat in Georgetown, Guyana. In 2003, Antigua and Barbuda cooperated with the Government of Guyana to assist a minor who was forced into domestic and sexual servitude. The trafficker was subsequently tried and convicted in Guyana under the Sex Offenses Act.

-- H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

There have been no requests for extradition.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

The Gender Affairs Directorate has uncovered two cases of trafficking and helped both women repatriate to their home countries. In both cases the women voluntarily came to Antigua to engage in prostitution only to later have their passports revoked until they could repay the brothel owner for expenses incurred in bringing the women to the country. Both women had been given work permits as "entertainers" to legally enter the country. The receipt of legitimate work-permits to engage in almost certain prostitution requires at least the acquiescence of one or more adjudicating officers in the immigration office.

-- J. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

In the two reported cases the two women became trafficked after their arrival in the country. The Gender Affairs Directorate has requested a review of the immigration department to ascertain why women who are likely to be trafficked are being granted work-permits.

-- K. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Prostitution is illegal under Antiguan law. Although members of the National Coalition Against Trafficking request assistance from the police and immigration, it is not yet a priority for law enforcement.

-- M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT

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Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

There have been no reports of child sex tourism in Antigua.

Para 26 - Protection and Assistance to Victims

15. (SBU)

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

The GOAB and National Coalition members lack the resources to establish a permanent shelter that could protect and provide anonymity for victims, due to the size of the country. Therefore, the Gender Affairs Directorate established "Emergency Safe Havens," where the victims' location can be hidden from their victimizers. This innovative safe haven network consists of locations provided by businesses, churches, clinics, and individuals.

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

Through the GOAB's Directorate of Gender Affairs, victims of trafficking have benefitted from various legal, health, advocacy, and crisis services. All victims of trafficking, foreign or local, can access the services offered through Gender Affairs.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

The Directorate of Gender Affairs has recruited Spanish-speaking volunteers to assist with several cases of suspected abuse of Dominican Republic nationals. Funding is provided to the Gender Affairs Directorate to coordinate the work of the Anti-TIP Coalition, as well as cover multiple services to victims of domestic abuse, rape, and other forms of violence and exploitation. However, most victims, if discovered by immigration and/or the police, are generally arrested or detained for immigration violations and are expeditiously deported.

-- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

No.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

No. All victims are assisted in their repatriation to their home countries.

-- F. Does the government have a referral process to

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transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

Any victims of trafficking identified by the government will be referred to the Gender Affairs Directorate for support services.

-- G. What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

There were two cases of trafficking reported by the Gender Affairs Directorate. These women were offered counseling by the staff of the Directorate and were assisted in their repatriation to their home countries.

-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

The GOAB does not conduct screening for potential TIP victims. The Gender Affairs Directorate and the National Coalition Against Trafficking in Persons are able to identify TIP victims as well as suspected cases of trafficking, and modify their efforts accordingly.

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

Victims are treated with compassion and respect by the Gender Affairs Directorate and affiliated NGOs, community advocates, and religious representatives. However, they are treated as undocumented criminals by many in the police force and immigration.

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

No. The victims in the two known cases were assisted in their repatriation before they could assist in investigations or prosecutions.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination

or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

The Gender Affairs Directorate runs a gender awareness training for the Antigua and Barbuda Royal Police Force.

Antigua has very few Embassies world-wide and has not provided assistance through any of its embassies during the current reporting period.

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-- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

There have been no reported cases of Antiguans being trafficked. Gender Affairs has specialized services in place should a case arise.

-- M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

Other than general funding for the social services operations of the Gender Affairs Directorate, the GOAB has not allocated funding toward anti-TIP specific protection services. However, these social services can be and have been provided to TIP victims. Other NGOs provide services such as health screening and assistance in repatriation.

Organizations that work with trafficking victims are the Caribbean Conference of Churches, Caribbean International HIV/AIDS Alliance, Population Services International, and the Red Cross. UNHCR provides medical assistance and help with repatriation. Cooperation from police and immigration needs improvement. In addition, the GOAB should provide increased funding to its Gender Affairs Directorate and the National Coalition Against Trafficking in Persons, as both have proven track records as the most effective and knowledgeable institutions to prevent trafficking, identify cases and protect victims.

Para 27 - PREVENTION

¶6. (SBU):

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

The government has provided education and awareness campaigns in the form of brochures and radio spots. These campaigns have been bilingual in many instances to reach the Spanish-speaking population in Antigua.

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

Antigua and Barbuda contributes staff and other resources to the Regional Security Service (RSS), a coalition of top-level police, customs, immigration, military, and Coast Guard representatives from

across the Caribbean. The GOAB also provided some human and material resources to assist with the Advanced Passenger Information System (APIS), which runs background criminal history checks on travelers before they depart their countries of origin. Through this region-wide network, law enforcement agencies share information, which leads to investigations and detainment of suspected criminals once they arrive at immigration and customs.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

The GOAB formed the National Coalition Against Trafficking in Persons, which is made up of the Ministries of Social Welfare, Social Transformation, Health, Labor and Gender Affairs, Immigration, and the Royal Antigua and Barbuda Police Force as well as various civil society groups, NGOs, and community activists and advocates. The Coalition is coordinated by the Directorate of Gender Affairs, and meets at the end of every month to discuss suspected cases, formulate strategies to address them, and follow up with law enforcement to conduct investigations.

-- D. Does the government have a national plan of action to address trafficking in persons? If the plan was

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developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

The National Coalition has a national action plan that focuses on educating immigrants, the general public, and frontline workers on human trafficking; establishes a spokesperson to represent the Coalition; combining outreach and protection efforts with the Gender Affairs crisis hotline; and creating a legislative review of anti-TIP laws and statutory instruments in Antigua and Barbuda; share information and cooperate with law enforcement investigations.

NGOs, religious groups, and community advocates were consulted and take part in the monthly meetings. The plan is transparent and shared with any person who assists in anti-TIP efforts.

-- E: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

Commercial sex is illegal in Antigua and Barbuda; however, prosecution of those involved in such activity has not been a priority. There have been no government programs to reduce demand for commercial sex during the rating period.

-- F. What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

There have been no reports of international sex tourism. Neither the government, nor local NGOs have any evidence that child sex tourism occurs in Antigua.

The GOAB National Coalition Against Trafficking in Persons appears very concerned about TIP and works very well with regional and local NGOs, religious representatives and community advocates to better organize their efforts and outreach.

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